

ZB# 98-49

Mary Bonura

37-1-25,26,27

Prelim. fees due: \$500

Nov. 9, 1998.

Notice to Submit 11/12/98.

Public Hearing:

Dec. 7, 1998.

Granted Area
Variance (side
yd.)

Refund \$407.50

#98-49 - Bonura, Mary

Area 37-1-25, 26, 27

DATE Nov. 18 1998 RECEIPT 037362

RECEIVED FROM MFPJRT

Address One Hundred fifty 00 DOLLARS \$ 150.00

FOR 300 #98-48 NO

| ACCOUNT | | | HOW PAID | | |
|-------------------|--|--|-------------|-------------------------------------|--------|
| BEGINNING BALANCE | | | CASH | | |
| AMOUNT PAID | | | CHECK | <input checked="" type="checkbox"/> | 014730 |
| BALANCE DUE | | | MONEY ORDER | | |

BY Dorothy N. Hansen
Quoniam Clerk

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Bonura, Mary

FILE# 98-49

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 150.00

*

*

*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 11/9/98-2 \$ 9.00
2ND PRELIMINARY- PER PAGE 12/2/98-3 \$ 13.50
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 22.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 11/9/98 \$ 35.00
2ND PRELIM. 12/7/98 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 92.50

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT . \$ 407.50

Refund.

*paid # 014730
11/16/98.
paid # 014731
11/16/98.*

[illegible]

MFPJJRT
D-B-A ANTHONY'S PIER 9
2975 ROUTE 9W
NEW WINDSOR, N.Y. 12553

NO. 014731

10-4
220



CHECK DATE CHECK NO.

11/16/98

PAY EXACTLY

Five hundred and no/
TOWN OF NEW WINDSOR

CHECK AMOUNT

500.00

#98-49

J. Brown

AUTH. SIG.

⑈014731⑈ ⑆022000046⑆11000911099928⑈

MFPJJRT
D-B-A ANTHONY'S PIER 9
2975 ROUTE 9W
NEW WINDSOR, N.Y. 12553

NO. 014730

10-4
220



CHECK DATE CHECK NO.

11/17/98

PAY EXACTLY

One hundred fifty and no/
TOWN OF NEW WINDSOR

CHECK AMOUNT

150.00

#98-49

J. Brown

AUTH. SIG.

⑈014730⑈ ⑆022000046⑆11000911099928⑈

In the Matter of the Application of

MARY BONURA

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#98-49.

WHEREAS, MARY BONURA, 2975 Route 9W, South, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 9 ft. side yard variance in order to enclose an existing garden area at Anthony's Pier 9 banquet facility at the above address in an NC zone; and

WHEREAS, a public hearing was held on the 7th day of December, 1998 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Marshall Rosenblum, A.I.A. and Joseph Bonura; husband of the Applicant; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) This is a commercial property consisting of a catering house located on a busy, divided state highway in a commercial zone.

(b) Applicant seeks to enclose an existing garden which is attached to one of the catering halls contained in Applicant's building.

(c) If the Application is approved there will be no change in the footprint of the building except the enclosure of an already-existing garden.

(d) The garden proposed to be enclosed is facing and adjacent to an existing retaining wall on the side of the property.

(e) The portion of the property to be enclosed cannot be seen from the front of the property or from the back of the property or from the neighbor's property.

(f) The neighbor's property is actually much higher than is the Applicant's property.

(g) If the Application is approved it will not increase the seating capacity of the facility and will not change the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed because of the nature of the property and the location of the proposed enclosure.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a

request for a 9 ft. side yard area variance to enclose a garden addition to the banquet facility located at the above address an NC zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 08, 1999.


Chairman

BONURA, MARY

Mr. Marshal Rosenblum and Mr. Joseph Bonura appeared before the board for this proposal.

MR. NUGENT: State for the record your name.

MR. ROSENBLUM: My name is Marshal Rosenblum representing Mary Bonura. This is Joseph Bonura. What we're requesting is relief of 9 feet for a 2,000 square foot addition on the north side of Pier 9. The requirement is for 15 foot side yard area. What we'd like to do is enclose an existing cocktail area that would then allow additional covered cocktail area prior to the dining. The other rooms in the building have similar capability. This is one of the older original rooms and the seating does exist outside right now. This would allow it to be used all year round, there's no additional--

MR. BONURA: Let me just say I'm sure you have been to the garden room in the back, we have three rooms, two of the three rooms right now have enclosed gardens, this room does not have an enclosed garden, it has an open garden. We can only use it when the weather's fine, it's not raining and I have a lot of problems that people don't want that room because it doesn't have an enclosed garden, they want one of the other ones. I can't give them one of the other gardens because it goes with the other rooms so it's been increasingly difficult for me to be able to rent that room because it does have an enclosed garden so we're taking like the original gardens were open and we enclosed those many years ago, we want to take that outdoor garden, a piece of it, not the whole thing and enclose a piece of it with glass so we can tell them they have an enclosed garden. But we go too close to the side yard.

MR. ROSENBLUM: This goes up to an existing retaining wall structure up to 6 feet from that and it's maintained within the front yard of the building which is screened, it's really not visible.

MR. KANE: This side right over here, this is the

retaining wall?

MR. ROSENBLUM: Yes.

MR. NUGENT: Who maintains that wall?

MR. BONURA: We do, that thing can be enclosed and no one will even know it's enclosed because you can't see it from the road, you can't see it from the side because the walls there you can't see it from the back.

MR. NUGENT: Mr. Bremmer owns that property next door, Petro, have you spoke with them?

MR. BONURA: I have tried to buy that property.

MR. NUGENT: Have you spoke to him about that?

MR. BONURA: Oh, yes, they don't care, they let me, I mow all their lawn, I take care of the whole hill, they could care less, I tried to buy the whole thing, I tried to swap them property, but I guess the property is sentimental to Mr. Petro and he won't sell it.

MR. NUGENT: Anymore questions by the board? I'll entertain a motion.

MR. TORLEY: I move we grant Mary Bonura a public hearing on the requested side yard variance.

MR. KANE: Second it.

ROLL CALL

| | |
|------------|-----|
| MR. REIS | AYE |
| MR. KANE | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

November 10, 1998

(34)

Mary E. Bonura
2975 Route 9W
New Windsor, New York 12553

Re: Parcels # 37-1-25
37-1-26
37-1-27

Dear Mrs. Bonura:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced properties.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's office.

Sincerely,

Leslie Cook /cmo

LESLIE COOK
Sole Assessor

/cmo
Attachments

[Redacted signature area]

37-1-18.2
Office State Comptroller
Att: Maureen Lennon
Gov. Alfred E. Smith Bldg
Albany, NY 12238

37-1-22
Petro Realty of New York Inc.
2989 NYS Rte. 9W
New Windsor, NY 12553

47-1-80
Christopher & Kathryn M. Craig
34 Faye Ave.
New Windsor, NY 12553

47-1-83
Izrail & Maria Asinovsky
48 Peach Pkwy.
Pearl River, NY 10965

48-1-9
Mary Ellen Wright
41 Bloomingrove Tpke.
New Windsor, NY 12553

48-1-13
Charles & Rosemarie Greene
61 Bloomingrove Tpke.
New Windsor, NY 12553

48-1-25
Florence May Slater
23 Nee Ave.
New Windsor, NY 12553

48-2-12
Ralph & Grace Belsito, Jr.
17 Lafayette Dr.
New Windsor, NY 12553

48-3-3.1
Gaillard Realty Assocs.
Co: Toyota of Newburgh
2934 NYS Rte 9W
New Windsor, NY 12553

48-4-15
Alfred Ciarimbali
30 Nee Ave.
New Windsor, NY 12553

37-1-20
Tarsio Realty Assocs.
Co: Pat Tarsio Lanes
115-119 So. Plank Rd.
Newburgh, NY 12550

48-4-37
Lewis & Emily Langer
4262 NW 54th St.
Coconut Creek, FL 33073

47-1-81
Robert L. Mariotti
36 Faye Ave.
New Windsor, NY 12553

48-1-7
Martin & Mary Sheffield
33 Bloomingrove Tpke.
New Windsor, NY 12553

48-1-10
Gary & Carol Durham
45 Bloomingrove Tpke.
New Windsor, NY 12553

48-1-23
Stella & Frances Krawcyk
15 Nee Ave.
New Windsor, NY 12553

48-2-1
ABH Corp. of New York
2976 NYS Rte. 9W
New Windsor, NY 12553

48-3-1
Leonard J. Carpezzi Jr.
PO Box 631
Stony Point, NY 10980

48-4-12
James & Margaret Kiernan
22 Nee Ave.
New Windsor, NY 12553

48-4-16
John & Phyllis Lisi
34 Nee Ave.
New Windsor, NY 12553

37-1-21.1
Dori Assocs.
PO Box 4097
New Windsor, NY 12553

37-1-67
Saw Mill Sports Mgmt Corp.
2902 NYS Rte. 9W
New Windsor, NY 12553

47-1-82
Michael & Felicia Witkowski
38 Faye Ave.
New Windsor, NY 12553

48-1-8
John Mullarkey
37 Bloomingrove Tpke.
New Windsor, NY 12553

48-1-11
Church of the Nazarene
59 Bloomingrove Tpke.
New Windsor, NY 12553

48-1-24
James & Patricia McHale
19 Nee Ave.
New Windsor, NY 12553

48-2-11
Richard & Diane Turner
19 Lafayette Dr.
New Windsor, NY 12553

48-3-2.1
Audrey Valicenti
2956 NYS Rte 9W
New Windsor, NY 12553

48-4-14
Delores Wilkinson
26 Nee Ave.
New Windsor, NY 12553

48-4-17
Charles & Mary Louise Foti
33 Faye Ave.
New Windsor, NY 12553

14-4-19

Robert & Florinda Jarvis
31 Faye Ave.
New Windsor, NY 12553

48-4-24

Grainger & Susan Kirth Jr.
25 Faye Ave.
New Windsor, NY 12553

48-4-38

Myron & Jean Langer
C/O: Lewis Langer
44 Faye Ave.
New Windsor, NY 12553

48-4-22

Louis & Tillie Talerico
29 Faye Ave.
Newburgh, NY 12550

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4834065
Commission Expires July 15, 1999

Date 11/12/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane..... DR.
Newburgh, N.Y. 12550

| E | | | CLAIMED | ALLOWED |
|----|--|------------------|---------|---------|
| 98 | | Zoning Board Mtg | 75 00 | |
| | | Misc - 1 | | |
| | | Zaczko - 1 | | |
| | | Pellegrino - 6 | | |
| | | Bonura - 2 9.00 | | |
| | | Ryan - 5 | | |
| | | Grevas - 3 | | |
| | | Jannotti - 2 | | |
| | | Amanatides - 3 | | |
| | | 23 | 103 50 | |
| | | | 178 50 | |
| | | | | |
| | | | | |
| | | | | |

37-1-16.1 YONNONE, VINCENT AREA VARIANCE GRANTED
2894 ROUTE 9W #97-43 GRANTED 12/08/97
REQUEST FOR 30 FT. FRONT YARD VARIANCE TO CONSTRUCT A 24 X 26 CANOPY AT SERVICE STATION IN NC ZONE GRANTED.

37-1-16.21 9W TENNIS CLUB, INC. USE VARIANCE GRANTED
RT. 9W NEAR CAESAR'S LANE #85-2 NC ZONE 01/28/85
REQUEST FOR USE VARIANCE FOR LIGHT INDUSTRY USE FOR THE ASSEMBLY OF ELECTRONIC COMPONENTS WITH THE FOLLOWING RESTRICTIONS. (1) HOURS OF OPERATION WILL BE 7 A.M. TO 12 P.M.; (2) LOADING DOCK ON THE NORTHSIDE OF THE BUILDING WILL BE PROHIBITED.

37-1-21 DORI ASSOCIATES USE/AREA VARIANCES GRANTED
ROUTE 9W #95-49 NC ZONE 11/28/95
REQUEST FOR USE VARIANCE AND 8 FT. REAR YARD AND 35 FT. STREET FRONTAGE VARIANCES TO ALLOW EXISTING SINGLE-FAMILY RESIDENCE (COLONI) IN AN NC ZONE AFTER SUBDIVIDING PROPERTY LOCATED ON ROUTE 9W.

37-1-25, 26, 27 BONURA, MARY AREA VARIANCE GRANTED ON 12/07/98
2975 ROUTE 9W SOUTH #98-49 NC ZONE
REQUEST FOR 9 FT. SIDE YARD VARIANCE TO CONSTRUCT ADDITION AT ANTHONY'S PIER 9 (GARDEN SECTION) AT ABOVE LOCATION.

37-1-27 UNICO - AREA VARIANCE/SPECIAL PERMIT GRANTED
ROUTE 9W #81-3 05/13/82
REQUEST FOR 10 FT. FRONT YARD AND 1 FT. REAR YARD VARIANCE AND SPECIAL PERMIT TO CONSTRUCT ITALIAN CULTURAL CENTER ON ROUTE 9W AT CORNER OF UNION AVENUE IN R-4/NC ZONES.

37-1-28 PLONA, ALBERT S./MARGARET AREA VARIANCE GRANTED
ROUTE 9W/GI ZONE #70-13 09/03/70
REQUEST FOR LOT WIDTH VARIANCE FOR CONSTRUCTION OF ONE-STORY OFFICE BUILDING.

37-1-34 WINDSOR ENTERPRISES, INC. (PIZZA/DELI) SIGN GRANTED
ROUTE 9W/CAESAR'S LANE NC ZONE #92-30 10/26/92
REQUEST FOR 60 S.F. SIGN AREA VARIANCE FOR FREE-STANDING SIGN TO BE LOCATED ON FRONT PORTION OF PROPERTY IN NC ZONE.

37-1-35 WINDSOR ENTERPRISES USE VARIANCE GRANTED
ROUTE 9W NC ZONE #86-5 04/14/86
REQUEST FOR USE VARIANCE TO OPERATE AN AUTOMOTIVE AND BOAT BODY SHOP, RETAIL BOAT SALES AND ACCESSORY APARTMENT IN AN NC ZONE. IT WAS SUGGESTED TO THE PLANNING BOARD THAT THEY REQUIRE THE APPLICANT TO CONSTRUCT A 50 FT. ROADWAY AT THE ENTRANCE TO PROPERTY.

37-1-35.32 WINDSOR ENTERPRISES, INC. (AUTO XPRESS) SIGN GRANTED
ROUTE 9W/CAESAR'S LANE NC ZONE #92-31 10/26/92
REQUEST FOR 94 S.F. SIGN AREA VARIANCE FOR A FREE-STANDING SIGN TO BE LOCATED ON THE FRONT PORTION OF ITS PREMISES ON NYS ROUTE 9W IN NC ZONE.

37-1-48 ORDER OF SAINT HELENA AREA VARIANCE GRANTED
701 BLOOMING GROVE TPK. #86-51 R-4 ZONE 02/23/87

Prelim.
Nov. 9th.
#98-49

PLANNING BOARD FILE NUMBER: 98-24

APPLICANT: *MARY BONURA*

ROUTE 9W SOUTH

NEW WINDSOR N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 24-JUNE-98

FOR (SUBDIVISION - SITE PLAN) SITE PLAN AMENDMENT

LOCATED AT *NYS RT 9W*

ZONE *NC*

DESCRIPTION OF EXISTING SITE: SEC: 37 BLOCK: 1 LOT: 25, 26, 27

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

SIDE YARD VARIANCE REQ'D

MICHAEL J. EDSON P.E. For
MICHAEL BABCOCK,
BUILDING INSPECTOR

| <u>REQUIREMENTS</u> | | <u>PROPOSED OR AVAILABLE</u> | <u>VARIANCE REQUEST</u> |
|----------------------|------------------|----------------------------------|-----------------------------|
| ZONE | <u>NC</u> | USE <u>A-8</u> | |
| MIN. LOT AREA | <u>10,000 SF</u> | <u>287,365+</u> | <u>—</u> |
| MIN. LOT WIDTH | <u>100 FT</u> | <u>787</u> | <u>—</u> |
| REQ'D FRONT YD | <u>40 FT</u> | <u>40</u> | <u>—</u> |
| REQ'D SIDE YD. | <u>15 FT</u> | <u>6'</u> | <u>9 FT</u> |
| REQ'D TOTAL SIDE YD. | <u>35 FT</u> | <u>438'</u> | <u>—</u> |
| REQ'D REAR YD. | <u>15 FT</u> | <u>45</u> | <u>—</u> |
| REQ'D FRONTAGE | <u>N/A</u> | <u>—</u> | <u>—</u> |
| MAX. BLDG. HT. | <u>35 FT</u> | <u>30</u> | <u>—</u> |
| FLOOR AREA RATIO | <u>1</u> | <u>< 1</u> | <u>—</u> |
| MIN. LIVABLE AREA | <u>N/A</u> | <u>—</u> | <u>—</u> |
| DEV. COVERAGE | <u>N/A</u> % | <u>—</u> % | <u>—</u> % |
| O/S PARKING SPACES | <u>262</u> | <u>288</u> | <u>—</u> |

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

PIER 9

Mr. Marshall Rosenblum and Mr. Joseph Bonura appeared before the board for this discussion.

MR. PETRO: We have Pier 9 under discussion.

MR. ROSENBLUM: We want an outdoor cocktail area expanding the royal bar which was one of the first contact rooms within the building, we just need more space, it does not increase the number of people that would be using the building in any way.

MR. PETRO: Will that affect the parking at all?

MR. ROSENBLUM: No, it's the same people, just gets crowded in that particular area.

MR. BONURA: Right, no, it's a garden, you know, I put the big garden room on and that causes me a problem cause now I have, you have an indoor garden for two rooms and that is my third room on the north side and I don't have an enclosed garden for that room. So everybody wants the enclosed garden so it's very difficult for me to rent out that room because it doesn't have an enclosed garden, it has a garden with the bricks, we want to take the piece up even with the building, not where the gazebo is, and put a roof over it and make it an enclosed garden, like the other one is.

MR. ROSENBLUM: Goes from the area where the existing exit is and would then just go up to the front of the building and there would be doors.

MR. BONURA: You won't even see it from the road.

MR. PETRO: What's the side yard requirement?

MR. ROSENBLUM: 15 feet.

MR. PETRO: 9 foot variance.

MR. ROSENBLUM: We need an eight foot relief.

MR. PETRO: What is the height?

MR. ROSENBLUM: It would match the other.

MR. EDSALL: Marshall, do you recall if the height for the building in this zone is based on setback from the lot line?

MR. ROSENBLUM: It's based on setback.

MR. EDSALL: You may need a height variance.

MR. ROSENBLUM: Remember that is a fairly large setback, the variance that we had gotten was for the canopy prior so it does not.

MR. EDSALL: Does not go higher than the existing. If it's closer to the line than any other place of the building.

MR. ROSENBLUM: It isn't.

MR. EDSALL: How many feet off the side yard is this?

MR. ROSENBLUM: It goes by frontage.

MR. EDSALL: To the nearest lot line so if this becomes the nearest location of the building to a lot line, you now require possibly a height variance which I just want to make sure you get all of what you need so we'll make sure Mr. Chairman that Marshall and I pick that up.

MR. PETRO: One thing also which I don't see as a major problem but I have to disagree with the parking is not calculated with this 2,000 feet only because it was not a roofed area, it was not an actual building so never really been calculated.

MR. ROSENBLUM: It goes by number of occupants, goes by seating for dining, so there's no dining.

MR. PETRO: He already had the seating.

MR. EDSALL: Yeah, I think when the garden room came in as Joe indicated you were basically, when this board reviewed it, you said this crowd of people will move from this area to this area while this area is being prepared, then they'll be transferred back. That is the way the board reviewed it.

MR. PETRO: I stand corrected, then forget that, so we just need to send to--does anybody else have any conceptual problems?

MR. LUCAS: Who owns the property next door?

MR. BONURA: Petro.

MR. PETRO: Not this Petro.

MR. LUCAS: I know.

MR. PETRO: Motion to approve.

MR. LUCAS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Anthony's Pier 9 amendment site plan on Route 9W. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

| | |
|-------------|----|
| MR. LUCAS | NO |
| MR. LANDER | NO |
| MR. ARGENIO | NO |
| MR. STENT | NO |
| MR. PETRO | NO |

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. Once you have received them, you'll come back to this board.

Date 12/1/80, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

| TE | | CLAIMED | ALLOWED |
|-----|------------------------------------|---------|---------|
| 7/8 | Zoning Board Mtg (Denise Prosnick) | 75 00 | |
| | Misc - 2 | | |
| | Picnick - 4 | | |
| | D. P. Companies - 6 | | |
| | Bureau 3 | 13.50 | |
| | 15 | 67 50 | |
| | | 142 50 | |

PUBLIC HEARING:

BONURA, MARY

MR. NUGENT: Request for 9 ft. side yard variance for construction of an enclosed garden within Anthony's Pier 9 located on Route 9W in an NC zone. Let the record reflect that there is no one in the audience.

MS. BARNHART: And we sent out 34 addressed envelopes containing the hearing notices on the 12th of November.

Mr. Marshal Rosenblum and Mr. Joseph Bonura appeared before the board for this proposal.

MR. NUGENT: Okay.

MR. ROSENBLUM: My name is Marshal Rosenblum, and with me is Mr. Joseph Bonura. I'm here representing Anthony's Pier 9 for the request for a side yard variance for the enclosed cocktail area addition.

MR. NUGENT: I think we went over most of the questions at the preliminary hearing. If any members have any other questions, this would be the time to bring them up.

MR. KANE: No. You're enclosing the existing site that's out there right now? You're not creating any water hazards, any runoffs, anything like that? Your doing it for the safety of your customers, too, to kind of shelter them in?

MR. ROSENBLUM: Yes. It's slightly less. Approximately 1800 square feet in reality as opposed to the maximum of 2000 we had requested based on site conditions.

MR. KRIEGER: But the structure actually exists now, you're just enclosing it?

MR. BABCOCK: The garden exists.

MR. ROSENBLUM: It's a garden. It's an existing garden with a wall on the side.

MR. KRIEGER: And this is a commercial establishment in a neighborhood of commercial establishments on a busy commercial divided highway; correct?

MR. BONURA: Yes.

MR. ROSENBLUM: Correct. You can't see this from the road. You can't see it from the back.

MR. BONURA: You can't see it from the neighbors.

MR. ROSENBLUM: You can't see it from the neighbors.

MR. BONURA: Because of the difference in elevation; they're higher.

MR. TORLEY: And any and all retaining walls will be --

MR. BONURA: They're already there. We're not affecting the retaining walls.

MR. REIS: No change in the traffic flow?

MR. ROSENBLUM: It's an internal --

MR. BONURA: We just want to be able to use the garden when it rains instead of only being able to use the garden when it's sunny and warm.

MR. KRIEGER: So this won't increase, necessarily, the seating capacity of the hall --

MR. ROSENBLUM: It doesn't change.

MR. KRIEGER: -- you're just making more use of what you have.

MR. BONURA: Make it usable year-round, that's all.

MR. KANE: And, in essence, since it's not visible, you're not changing the nature of the neighborhood at all?

MR. ROSENBLUM: No, sir.

MR. BONURA: No.

MR. REIS: Accept a motion?

MR. NUGENT: Yes.

MS. OWEN: I make a most that we grant a 9 foot side yard variance to Mary Bonura.

December 7, 1998

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MR. NUGENT: Do we have a second?

MR. KANE: Second.

ROLL CALL

| | |
|------------|-----|
| MS. OWEN | AYE |
| MR. REIS | AYE |
| MR. KANE | AYE |
| MR. TORLEY | AYE |
| MR. NUGENT | AYE |

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-49

Date: 10/28/98

I. Applicant Information:

- (a) Mary Bonura 2975 Rte 9W South New Windsor NY 12553 565-3390
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Marshall Rosenblum 321 Rte 9W New Windsor NY 12553 562-0270
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) NC 2975 Rte 9W South New Windsor 37.1, 25.26, 27 6.95A
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R4
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? yes
If so, when? 10 Oct 92
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no
- _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F.

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|------------------------------|------------------------------|-------------------------|
| Min. Lot Area _____ | _____ | _____ |
| Min. Lot Width _____ | _____ | _____ |
| Reqd. Front Yd. _____ | _____ | _____ |
| Reqd. Side Yd. <u>15/35</u> | <u>6/438</u> | <u>9'</u> |
| Reqd. Rear Yd. _____ | _____ | _____ |
| Reqd. Street Frontage* _____ | _____ | _____ |
| Max. Bldg. Hgt. _____ | _____ | _____ |
| Min. Floor Area* _____ | _____ | _____ |
| Dev. Coverage* _____ % | _____ % | _____ % |
| Floor Area Ratio** _____ | _____ | _____ |
| Parking Area _____ | _____ | _____ |

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The request is for the enclosure of an exterior cocktail/garden area to accommodate current needs. No additional seating will be created by enclosing the existing cocktail/garden area.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|---------|---------------------|------------------------------|-------------------------|
| Sign 1 | _____ | _____ | _____ |
| Sign .. | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign | _____ | _____ | _____ |
| | _____ | _____ | _____ |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

The existing R4 zone is to the rear side of the property and is unaffected by this proposed garden enclosure.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 150.00 and the second check in the amount of \$ 500.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: Oct. 28, 1998

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Mary E. Bonura
(Applicant)

Sworn to before me this

4th day of Sept, 1998.

XI. ZBA Action:

(a) Public Hearing date: _____

WENDY L CARRIERE
NOTARY PUBLIC
STATE OF NEW YORK
01CA6000113
QUALIFIED IN ORANGE COUNTY
MY COMMISSION EXPIRES DEC. 8, 1991

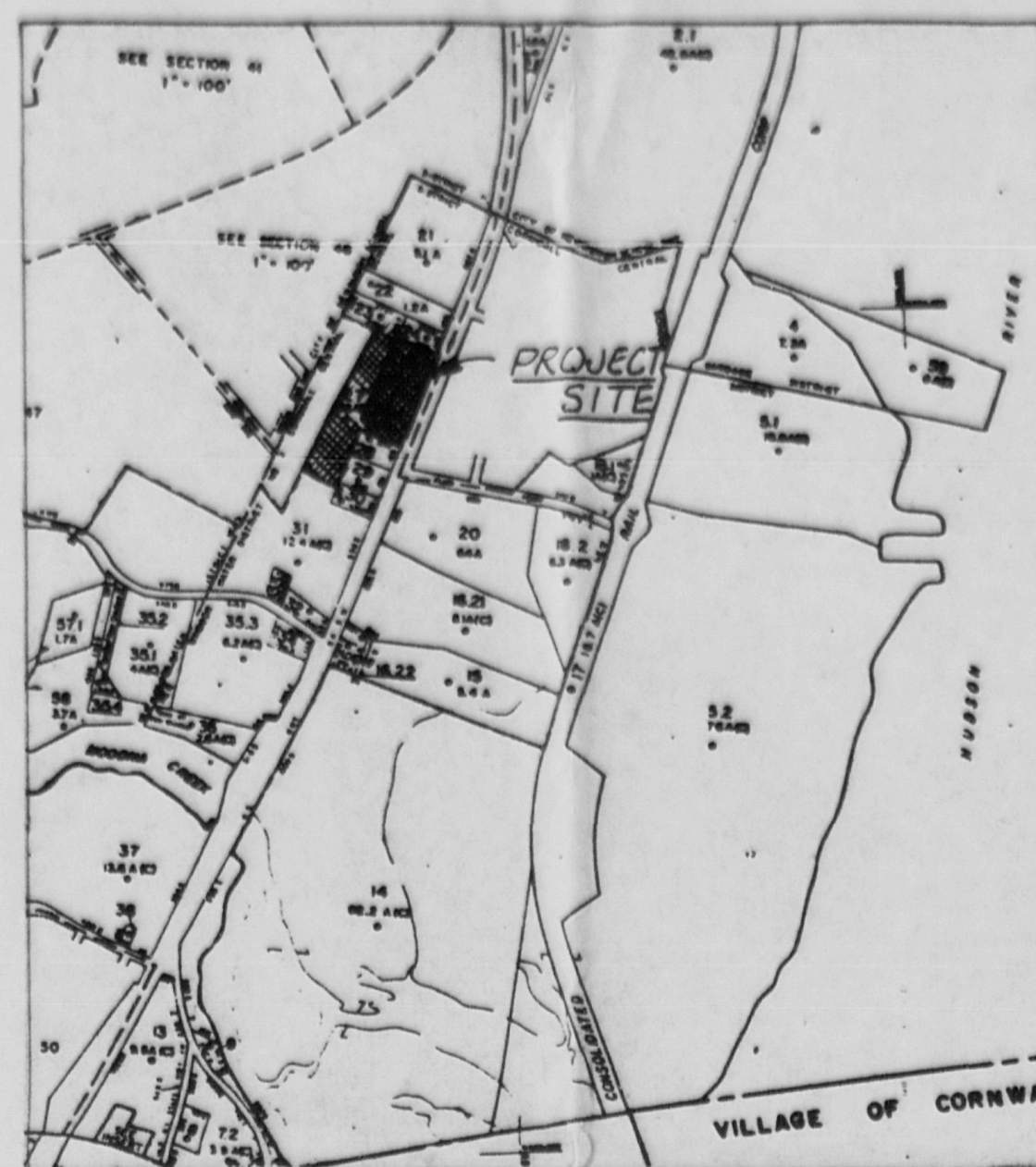
Wendy & Cammy

(b) Variance: Granted (___) Denied (___)

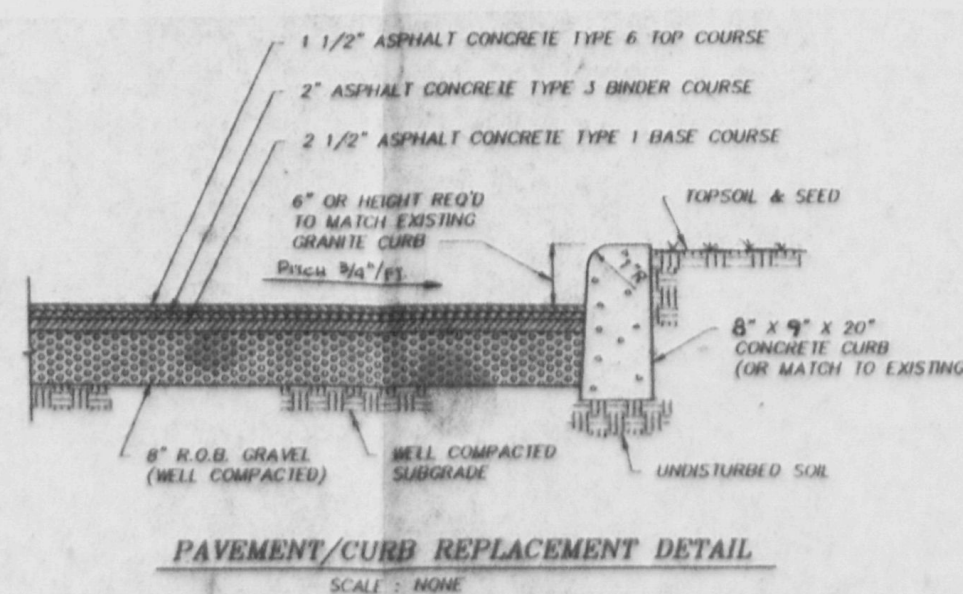
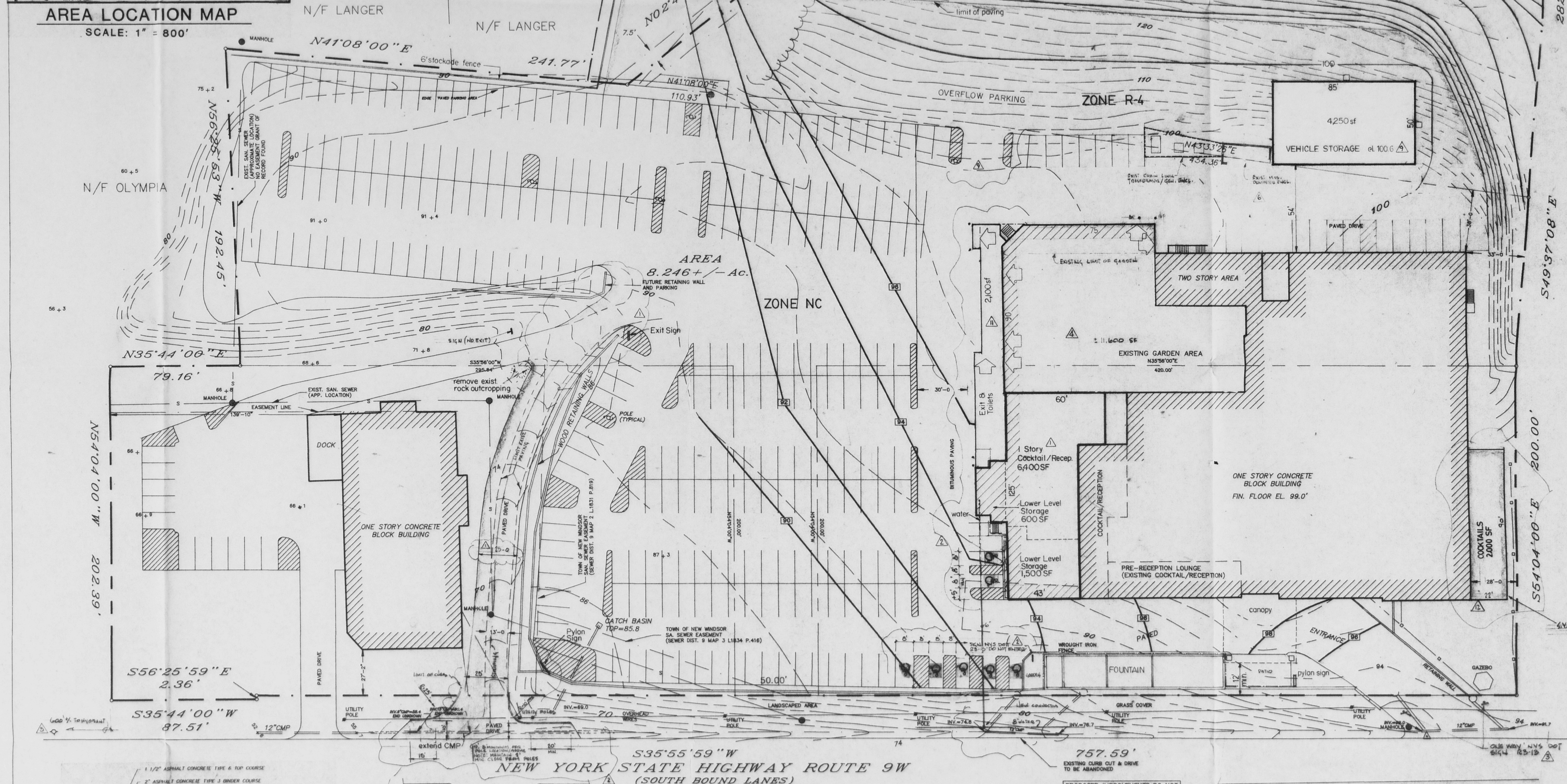
(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)



AREA LOCATION MAP
SCALE: 1" = 800'



SITE PLAN
SCALE: 1" = 30'

| REQUIRED | ZONE | USE GROUP | MINIMUM LOT AREA (IN SQ. FT.) | MINIMUM LOT WIDTH (IN FT.) | REQUIRED FRONT YARD DEPTH (IN FT.) | REQUIRED SIDE YARD TOTAL BOTH SIDES (IN FT.) | REQUIRED REAR YARD DEPTH (IN FT.) | FLOOR AREA RATIO | MAXIMUM BUILDING HEIGHT (IN FT.) |
|----------|------|-----------|-------------------------------|----------------------------|------------------------------------|--|-----------------------------------|------------------|----------------------------------|
| PROVIDED | NC | A, B, C | 10,000 | 100 | 40 | 15/35 | 15 | 1 | 30' |
| PROVIDED | R-4 | C | 25,000 | 125 | 35 | 15/30 | 40 | 1 | 30' |

GENERAL NOTES

- BEING A PROPOSED DEVELOPMENT OF THE LANDS SHOWN ON THE TOWN OF NEW WINDSOR TAX MAPS AS SECTION 37, BLOCK 1, LOTS 25, 26, 27.
- PROPERTY OWNER/DEVELOPER: MARY E. BONURA, 42 ROUTE 9W, NEW WINDSOR, NY 12550
- PROPERTY AREA: 6.50 ACRES
- LOCAL RULE #4 AREA: 287,603.3 SQ. FT. = (287,365.3 - 18,780)
- PROPERTY ZONE: NC
- EXISTING USE: A) CATERING RESTAURANT, B) WAREHOUSE/OFFICE
- THIS SITE PLAN INFORMATION HEREON IS FROM FIELD SURVEY BY ELIAS D. GREGAL, L.S., DATED 18 OCT 1988.
- ALL PROPOSED ROAD BOUNDS SHALL BE IN ACCORDANCE WITH THE N.Y.S. MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- PARKING REQUIRED: PER 9, 1 SPACE PER 3 SEATS=250 SPACES, 1000 SF OFFICE (1000/2000=5 SPACES), 8100 SF WAREHOUSE (8100/1000=8 SPACES), TOTAL REQUIRED=263 SPACES, 1500 SPACES @ PER 9, 1 SPACE PER 3 SEATS=250 SPACES, 1500 SPACES @ PER 9, 1 SPACE PER 3 SEATS=250 SPACES

LEGEND

- EXISTING BUILDING
- EXISTING UTILITY POLE
- EXISTING AREA LIGHTING
- EXISTING CATCH BASIN
- EXISTING SIGNAL BOX
- EXISTING TRAFFIC FLOW
- EXISTING ONE WAY SIGN (ONE-WAY LANE)
- EXISTING TWO WAY SIGN (TWO-WAY LANE)

VARIANCE DATA
Variance granted 13 November 1990
See letter from Section 4054C for
recent zoning changes. An owner on plan
dated 10 Oct 92, expiration 99.

ROSENBLUM A.I.A.
MARSHALL ROSENBLUM AIA ARCHITECT
6 FULLERTON AVENUE
NEW YORK
NEW YORK

ANTHONY'S PIER 9
ROUTE 9W
NEW WINDSOR - NEW YORK

SP

RECEIVED OCT - 8 1988
98 - 24